

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Case No. 06-12765 (MG)

ANDREW VELEZ CONSTRUCTION, INC.,

Chapter 11

Debtors.

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**ORDER GRANTING DEBTOR'S OBJECTION TO CLAIM NUMBER 36
FILED BY FMB CORP. AND DISALLOWING AND EXPUNGING THE CLAIM**

Upon the objection (the "Objection") of Andrew Velez Construction, Inc., debtor and debtors-in possession (the "Debtor") dated May 12, 2009, for the entry of an order, pursuant to 11 U.S.C. §§ 102(1), 105(a), 502(b) and Fed. R. Bankr. P. 3007, disallowing and expunging Claim 36 filed by FMB Corp. (the "Creditor"); the Court having conducted a hearing on the Objection on June 17, 2009; the Creditor having failed to appear at the hearing or file a response to the Objection; the Debtor having appeared by its counsel Ortiz & Ortiz, L.L.P.; due notice of the Objection having been given and sufficient cause appearing therefore, it is

ORDERED, that the Objection is granted in all respects; and it is further

ORDERED, that pursuant to 11 U.S.C. §§ 102(1), 105(a), 502(b) and Fed. R. Bankr. P. 3007, Claim 33 filed by the Creditor is hereby disallowed and expunged.

Dated: Brooklyn, New York
June 17, 2009

_____/s/Martin Glenn_____
MARTIN GLENN
U.S. BANKRUPTCY JUDGE